Application No.:	10/006,089	§			
Filed: December 6, 2001		§	Examiner:	Yigdall, Michael J.	
Inventor:		§	Group/Art Unit:	2192	
Gary Cole		§	Atty. Dkt. No:	5681-96802	
Title: System and Method for		§			
Managing Information Objects		§			
		§			
		§			

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

Claims 1-4, 6-12 and 14-33 are pending in the application. The Examiner rejected claims 1-4, 6, 8-12 and 14-33 under 35 U.S.C. § 103(a) as being unpatentable over Hoover et al. (U.S. Patent 5,724,575) (hereinafter "Hoover") in view of Dutcher et al. (U.S. Patent 6,269,405) (hereinafter "Dutcher"). Applicants respectfully traverse this rejection for at least the reasons presented below. Applicant notes the following clear errors in the Examiner's rejection. **Applicant submits that the Examiner has failed to provide support for a *prima facie* rejection of claims 1, 20, and 26.**

1. Hoover in view of Dutcher fails to teach or suggest an identity index including a virtual identity as recited in Applicants' claim.

Regarding claims 1, 20 and 26, Hoover in view of Dutcher fails to teach or suggest an identity index that includes a virtual identity that is for a user of multiple computer resources and includes a plurality of information object identifiers each corresponding to a respective information object; and for each information object, the virtual identity includes a resource name identifying one of the multiple computer resources at which the respective information object is located. The Examiner argues that Hoover "teaches a virtual identity is for a user" (Final Action, p. 3 and Advisory Action, p. 2). At the Examiner's cited passage, Hoover describes a PERSON object attribute table located at computers

respectively associated with an insurance company, an employer, a hospital and a PPO/HMO/TPA. Applicants respectfully disagree with the Examiner's interpretation of Hoover. As demonstrated in Applicants' previous response, the Examiner is confusing Hoover's *data about people* (e.g., patent health care information) with a virtual identity for a user of multiple computer resources that includes a resource name identifying one of **the** multiple computer resources at which the respective information object is located. Hoover specifically states that the users of the databases are not the people whose information is stored in the databases. The data stored in Hoover's system relates to the patients of a health care system, and not to a user of multiple computer resources. In Hoover, the users of the computer resources (e.g., the computer system on which Hoover's data collections reside) are the employees of the healthcare-related service providers (Hoover, col. 27, lines 25-55; col. 45, line 46 – col. 46, line 19; and col. 47, line 55 – col. 48, line 3). For instance, Hoover states, regarding the add_PERSON message, that data regarding the user of the system "is of course unrelated to the information associated with the person whose demographics are being added" (col. 29, lines 46-57). Thus, Hoover explicitly teaches that the user of the resources (the data sources on the remote computers) is **not** the person that is associated with any particular object identity or object attribute.

2. The Examiner's interpretation of the Hoover's account information is incorrect.

In the Advisory action, the Examiner "does not dispute that in Hoover, the information stored in the databases does not necessarily describe the actual users or 'operators' of the databases." However, the Examiner is mischaracterizing Hoover's system. As shown above, Hoover specifically and explicitly states that the information stored in the database is not for, about, or even related to, the healthcare professionals that use the databases (Hoover, col. 29, lines 46-57). Thus, rather than the information "not necessarily describe[ing] the actual users or 'operators' of the databases" as the Examiner states, in fact, the information stored in the database specifically does <u>not</u> have anything to do with the actual users of the database. Nor would it make sense to combine information for Hoover's actual users with the patient information stored in the databases. Hoover is concerned with storing, maintaining and accessing patient healthcare-related information not with managing multiple computer user accounts. The Examiner also asserts that Hoover's "information objects comprise user accounts" (Final Action, p. 3), citing col. 27, lines 43-49 and arguing that Hoover's "information object … comprises a person's account with an insurance company, health maintenance organization, etc." (Final Action, p. 3). The Examiner incorrectly equates any person with a business-style account (e.g., health insurance, etc.) with, specifically, a computer user of a database storing information about such accounts. As noted above, the teachings of Hoover directly contradict the Examiner's position.

3. Dutcher does not overcome the deficiencies of Hoover.

Additionally Dutcher's system does not include a virtual identity as recited in Applicants' claim and therefore does not overcome Hoover's deficiencies regarding a virtual identity, as recited in Applicants' claim. Instead, Dutcher teaches a system for establishing and synchronizing associated user accounts on managed servers based on user account information on a central server. Dutcher's system does not include, nor does the Examiner cite, any data structure that can be considered a virtual identity for a user of multiple computer resources that includes, among other things, a resource name identifying one of the multiple computer resources at which the respective information object is located. Please see Applicants' previous response (Filed January 11, 2008, pp 5-6) for a more detailed discussion.

4. The Examiner's combination of Hoover and Dutcher does not result in a system that includes all the limitations of Applicants' claim.

As shown above, Hoover and Dutcher, whether considered singly or in combination, do not teach or suggest the specific limitations of claim 1. Therefore, no combination of Hoover and Dutcher would include the virtual identity recited in Applicants' claim. Contrary to the Examiner's assertions, modifying Hoover in view of Dutcher would not change the nature or structure of Hoover's database. For example, Hoover specifically and clearly states that the information stored in his database is *unrelated to* any information, such as account and password information, about the *users* of Hoover's system (Hoover, col. 29, lines 46-57). Hence, even if the user account management of Dutcher were applied to Hoover's system, the resulting system would only include the homogeneous data model for healthcare information and the ability to use user account information on a central server (e.g., user accounts for the healthcare professionals using Hoover's system) to establish and synchronizes associated user accounts on other servers. In the Advisory Action the Examiner contends that "the structure of Hoover's system is capable of performing Applicant's intended user of the virtual identity as 'for a user of [the] multiple computer resources" (p. 2, lines 31-34). Applicants' respectfully disagree. Hoover specifically and unequivocally teaches that his system does not store information about the user's of the database. The Examiner cannot simply ignore the express teachings of the cited art.

5. There is no reason why one would combine Hoover and Dutcher as suggested by the Examiner.

The Examiner has not provided a valid reason why one would modify the system of Hoover to include the teachings of Dutcher. The Examiner states, "Dutcher describes a need for managing different user accounts on multiple, heterogeneous computer resources based on a single user account definition" and that "the teachings of Hoover enable the management of different, heterogeneous database on multiple, computer resources based on a single, homogeneous data model" (Final Action, pp. 3-4). The

Examiner then concludes, "[t]herefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Hoover such that the virtual identity is 'for a user of multiple computer resources,' as Dutcher suggests" (Final Action, p. 4). However, not only does Dutcher "describe a need for managing different user accounts," Dutcher clearly provides, and in fact is solely concerned with, a system specifically for managing different user accounts. The Examiner has simply restated Dutcher's goal. The Examiner has not provided any valid reason why one would modify the healthcare database system of Hoover to include the user account synchronization system of Dutcher.

In the Advisory Action, the Examiner further argues, "one of ordinary skill in the art could, with predictable results, apply the teachings of Hoover to the user accounts of actual users of the multiple computer resources" and that "one of ordinary skill could, with predictable results, implement the virtual identity of Hoover such that it is 'for a user of the multiple computer resources," The Examiner further concludes, "In such an implementation, the resource name would identify 'one of the multiple computer resources' of which the user is an actual user" (Advisory Action, p. 2, lines 24-29). However, There is no reason why one desiring to "manage different user accounts" (i.e., the Examiner's stated reason for combining the cited art) would modify Dutcher's account management system at all, much less combine it with Hoover's healthcare database system – especially in light of the fact that Hoover's system does not store user account information at all.

6. **Hoover teaches away from the Examiner's suggested combination of cited art**.

Even if Hoover's system were modified to store information about computer user accounts, as suggested by the Examiner, the user account information that would be stored in Hoover's database would still be *unrelated to any information about the user's of the database*, as taught by Hoover (col. 29, lines 46-57). In other words, if Hoover's system were to be used to store a homogeneous data model of user account information, *according to the teachings of Hoover* the user account information stored in the database would not include a virtual identity for a user of computer resources for which information, such as information object identifiers each corresponding to a respective information object, for each of which, the virtual identity includes a resource name identifying of the computer resources used by the user, as recited in Applicants' claim. Moreover, **Hoover clearly teaches away** from the combination suggested by the Examiner. Thus, the Examiner's combination of Hoover in view of Dutcher is improper. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 218 USPQ 769, 779 (Fed. Cir. 1983).

The Examiner also argues in the Advisory Action that Hoover's teachings "do not somehow preclude or prohibit storing user account information (for a user of the multiple computer resources) in

the database" and that "One of ordinary skill in the art would appreciate that an administrator adding user account information to the database would provide the administrator's password, which is unrelated to the user's account, even if that user is also a user of the database." However, the Examiner's statement actually supports Applicants' argument. In the Examiner's example, the administrator is the "user of the database" and not the person whose information is being added to the database. Thus, even in the Examiner's example, no information about the actual user of the computer resources is added to the database. Furthermore, the Examiner's supposition that one of ordinary skill would look to Hoover's healthcare information system as a means to manage the multiple computer user accounts of Dutcher is mere hindsight based on Applicants' claimed invention. As noted above, there is simply no reason why someone would modify Hoover to store computer user account information - rather than patient healthcare information – according to Dutcher, when Dutcher's system already performed the supposed goal (i.e., managing multiple computer user accounts).

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5681-96802/RCK.

Also enclosed herewith are the following items:
☒ Notice of Appeal

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Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
ATTORNEY FOR APPLICANT(S)

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Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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